

## Change Record Detail With Description

### Department of Transportation/Public Facilities

**Scenario:** FY2010 Supplemental (7955)  
**Component:** Central Region Support Services (2292)  
**RDU:** Regional Support Services (366)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	PFT	Positions PPT	NP
FY2010 Supplemental												
Legal Costs Related to Nikishka Beach Road Case												
1004 Gen Fund	Suppl	60.5	0.0	0.0	60.5	0.0	0.0	0.0	0.0	0	0	0
The Department of Transportation and Public Facilities (DOT&PF) contends that Offshore Systems Kenai (OSK) is illegally engaged in the obstruction, control and closure of public access to and through Nikishka Beach Road which is a public road owned and operated by DOT&PF. OSK has established a guard shack and gate to prevent access to the road and beach. The reason OSK has implemented these restrictions to public access is based on a security plan they developed in response to U.S. Coast Guard requirements that they secure and protect OSK's facility from trespass, vandalism, theft, etc.												
The case began in late FY08 and a trial has taken place; however the Judge has still not issued a ruling on the trial. We have incurred \$45.5 in legal costs through December 2009. If a "Notice of Appeal" is not filed, the estimated amount needed for the Department of Law to complete post trial work is approximately \$15.0 for a total of \$60.5 in FY10.												
This is an important case that is necessary to preserve the Department's responsibilities to protect and maintain rights of way on behalf of the general public.												
Environmental Protection Agency Enforcement Actions												
1004 Gen Fund	Suppl	240.0	0.0	0.0	240.0	0.0	0.0	0.0	0.0	0	0	0
Central Region Support Services is requesting \$240.0 GF supplemental funding for additional costs related to the Environmental Protection Agency's (EPA) enforcement action against the Department of Transportation and Public Facilities (DOT&PF).												
Sec 28e, Ch 11 SLA 08 P105 L29 (SB256), as amended by Section 14(k) of Ch 14 SLA 09 P22 L14 (HB113), provided \$500.0 as a multi-year operating appropriation for defense costs related to EPA's allegations of multiple violations of the Clean Water Act. The unspent amount of \$173.9 carried into FY10. Projected expenses for FY10 are \$413.9, leaving a shortfall of approximately \$240.0 primarily for Department of Law expenses.												
The Department anticipates that negotiations will continue, however, it is unknown at this time when a settlement may be reached. If a settlement cannot be reached, pre-trial motions will be taken to move the case forward to trial which will increase costs substantially. Additional funding will be needed if the case goes to trial.												
Component Totals		300.5	0.0	0.0	300.5	0.0	0.0	0.0	0.0	0	0	0

## Change Record Detail With Description

### Department of Transportation/Public Facilities

**Scenario:** FY2010 Supplemental (7955)  
**Component:** Program Development (2762)  
**RDU:** Planning (365)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		NP
										PFT	PPT	
Road Weather Information System (RWIS) Maintenance Costs												
1004 Gen Fund	Suppl	175.0	0.0	0.0	175.0	0.0	0.0	0.0	0.0	0	0	0
State funding will provide the resources to conduct critical maintenance work on the department's Road Weather Information System (RWIS) program. The funding is necessary to maintain the RWIS software, equipment and a network of forty-nine (49) environmental sensor stations (ESS) strategically located along the highway system. Each ESS provides weather sensor data (temperature, wind speed, wind direction, relative humidity, pavement and sub-surface temperatures) and camera images. The RWIS webpage ( <a href="http://roadweather.alaska.gov">http://roadweather.alaska.gov</a> ) receives the most hits on the Department's website. ESS sensors fail due to communications or power issues and exposure to the elements. These funds will pay for a contractor to maintain the technical RWIS network and will also be used to train in-house personnel that can perform high-level maintenance and troubleshooting. RWIS maintenance activities are not eligible for federal dollars and without adequate funding there is a potential risk of the entire RWIS network becoming inoperable.												
Component Totals		175.0	0.0	0.0	175.0	0.0	0.0	0.0	0.0	0	0	0

## Change Record Detail With Description

### Department of Transportation/Public Facilities

**Scenario:** FY2010 Supplemental (7955)  
**Component:** Statewide Design and Engineering Services (2357)  
**RDU:** Design and Construction (526)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	PFT	Positions PPT	NP
Clean Water Act Compliance												
	Suppl	553.0	330.9	8.5	196.0	17.6	0.0	0.0	0.0	0	0	0
1004 Gen Fund		553.0										
The department's actions, or inactions, resulting from repair work in response to the flooding on the Kenai Peninsula in 2002 and storm water violations involving Department of Transportation and Public Facility (DOTPF) contractors on three Central Region projects in 2005 and 2006, resulted in non-compliance allegations by federal agencies. Under the current schedule of proposed settlement terms, the department will be required to meet compliance requirements by mid June, 2010. In order to meet these requirements, the department requests \$553.0 in general funds for the following:												
Storm Water Staff Training Needs - \$293.0 Approximately 260 employees are required to take a two-day course in the Alaska Certified Erosion and Sediment Control Lead (AK-CESCL). The AK-CESCL program was developed in coordination with seven other construction or agency entities. The majority of our construction staff has current certification for AK-CESCL, however the three year term of certifications are expiring this construction season. To comply with the terms of the consent decree in June, we need to train personnel prior to the construction season. The department is scheduling training sessions in Anchorage, Fairbanks, Juneau and other communities to meet this demand. The funding request represents the cost of staff time while they are attending the two-day class, as they cannot charge against project costs during this time.												
260 employees x \$75/hour x 16 hours/course = \$270.4 Materials/Training Costs @ \$2,200/course x 8 courses = \$17.6 Remote employee/trainer/HQ staff travel - \$5.0												
Annual Reporting Requirements - \$120.0 To conform to reporting requirements, DOTPF must complete an annual report each year for three years identifying instances of non-compliance with Construction General Permit conditions and to demonstrate the health of the department's storm water compliance program. To implement a structure for project reporting on state projects, the department must implement an electronic reporting system based on the eDocs framework. In order to implement the eDocs process for this program, the department will use internal programming staff, as well as professional services for training of state across the regions. As previously stated, department staff training time costs cannot be charged to capital projects and the department requires funding to cover hours staff is in training.												
Professional services for eDocs - \$56.0 Staff development of eDocs system + 200 hours x \$55/hour = \$11.0 Training requirements (staff time) = 300 employees x \$55/hour x 3 hours = \$49.5 Related travel - \$3.5												
The annual report and field compliance will be an on-going task assigned and the department is looking at options for completing this on-going work with existing positions.												
Civil Penalty - \$140.0 The civil penalty is a result of negotiations regarding alleged storm water violations and is a payment to the U.S. Treasury.												
Component Totals		553.0	330.9	8.5	196.0	17.6	0.0	0.0	0.0	0	0	0

**Change Record Detail With Description**  
**Department of Transportation/Public Facilities**

**Scenario:** FY2010 Supplemental (7955)  
**Component:** Statewide Design and Engineering Services (2357)  
**RDU:** Design and Construction (526)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		
										PFT	PPT	NP

## Change Record Detail With Description

### Department of Transportation/Public Facilities

**Scenario:** FY2010 Supplemental (7955)  
**Component:** State Equipment Fleet (2791)  
**RDU:** State Equipment Fleet (369)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	PFT	PPT	NP
Increased Operational Costs for Parts, Commodities, Services, and Fuel Purchases												
1026 Hwy Capitl	Suppl	2,706.7	0.0	119.7	222.3	2,364.7	0.0	0.0	0.0	0	0	0
This supplemental increase will provide the State Equipment Fleet with the resources required to accurately reflect the operational expenses associated with the execution of this program's mission by aligning the budget authority with the projected costs in the following areas:												
Travel - In order to carry out the duties in this component, travel is required to support the repairs and preventative maintenance programs for vehicles and equipment at rural airports and highways. Due to the unprecedented increase in fuel costs, airfares throughout the state were increased, having a direct impact on the ability of the Department to allocate existing resources to maintain the level of support required.												
Services - As costs continue to stay at higher levels than currently reflected in the component's budget for the shipment of freight such as parts, commodities, vehicles and equipment, the mission of the program is seriously impacted. Additional costs for vendor repairs are also being passed along to the state by the contractors. These costs include vehicle and equipment set up such as State Trooper vehicles as well as accident repair cost beyond the ability of the department to control.												
Commodities - Fuel costs and necessary consumables paid by the State Equipment Fleet and billed to the corresponding executive branch agencies have increased substantially since FY07. While this program has been found to be effective and efficient, an increase in budget authority is required based on the projected use of these services through historical data. Parts and other commodities required to initiate the repairs and preventative maintenance program in support of the assets used by the State have also increased in quantity and in cost.												
The amount available from the Highway Equipment Working Capital fund is dependent upon the availability of funding in departments. If less maintenance is done on equipment due to funding shortfalls within agencies, the value of fleet assets decreases as well as the reliability and length of service of vehicles.												
The FY2011 Governor's budget contains an increment to provide the additional authority in next year's budget.												
Component Totals		2,706.7	0.0	119.7	222.3	2,364.7	0.0	0.0	0.0	0	0	0

**Change Record Detail With Description**  
**Department of Transportation/Public Facilities**

**Scenario:** FY2010 Supplemental (7955)  
**Component:** Northern Region Facilities (2069)  
**RDU:** Statewide Facility Maintenance and Operations (186)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		
										PFT	PPT	NP
Galena Maintenance Facility Operating and Maintenance Costs												
1004 Gen Fund	Suppl	99.9	5.0	1.0	93.9	0.0	0.0	0.0	0.0	0	0	0
The FY09 operating budget contained a \$110.0 increment to maintain a maintenance building at Galena that was transferred to the department from the U.S. Air Force. That funding level was based upon completion of some aggressive cost savings measures which would be accomplished as part of a capital project for energy improvements. The project is scheduled for completion in the summer of 2010. FY10 estimated expenditures are \$209.9, leaving a projected shortfall of \$99.9.												
Component Totals		99.9	5.0	1.0	93.9	0.0	0.0	0.0	0.0	0	0	0

## Change Record Detail With Description

### Department of Transportation/Public Facilities

**Scenario:** FY2010 Supplemental (7955)  
**Component:** Central Region Highways and Aviation (564)  
**RDU:** Highways and Aviation (408)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	PFT	Positions PPT	NP
Enforcement of Clean Water Act - Environmental Protection Agency (EPA) Street Sweeping and Permit Compliance Costs												
	Suppl	606.0	0.0	0.0	606.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		606.0										
Additional funding is required to meet the minimum requirements of the Environmental Protection Agency (EPA) Municipal Separate Storm Sewer System (MS4) Permit. The MS4 permit will go into effect on February 1, 2010. The EPA's MS4 permit increases the street sweeping requirements that are above and beyond the current MS4 permit, monitoring various aspects of the permit and reporting to EPA with regards to the permit.												
The current FY10 budget for street sweeping is \$716.3: \$300.0 for the annual permit and \$416.3 for street sweeping under the current MS4 permit. This additional request is necessary to comply with the new permit requirements for a total of \$1,322.0. Without a budget increase we will have a shortfall of \$606.0. If the budget is not increased the department is at risk of being fined for Notice of Violations from EPA for not being in compliance with the new MS4 permit, therefore reducing public safety and the level of service to our customers.												
The total cost of all sweeps for arterial and residential lane miles is \$847.3, plus incidental contingency costs for water (\$50.0), fuel (\$100.0), hourly call-outs (\$25.0) and cost of the permit (\$300.0) is a total of \$1,322.3. The current budget is \$716.3 which results in a shortfall of \$606.0.												
The FY2011 Governor's budget request includes \$1,682.0 for these new ongoing requirements.												
Enforcement of Clean Water Act – Environmental Protection Agency (EPA) MS4 compliance												
	Suppl	432.0	0.0	0.0	432.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		432.0										
This amendment increases the Department's budget increment for Enforcement of Clean Water Act – Environmental Protection Agency (EPA) MS4 street sweeping, storm drain cleaning, permitting and permit compliance to \$1,038.1 GF based on the RFP contract awards. These RFP responses had not been received before the February 1, 2010 supplemental budget submission, so is new information for consideration.												
If the funding requests are not approved, the department will reduce current service levels in highway and aviation maintenance in the central region. This will reduce the effectiveness of the FY2010 increment that provided for higher levels of service, such as: improved runway/taxiway conditions during the winter months, i.e. Bethel, Dillingham, and Kodiak; reduce highway maintenance for snow hauls, brush cutting, riprap replacement, pavement milling, culvert replacements, etc. This action will result in increased deferred maintenance needs in future years.												
Component Totals		1,038.0	0.0	0.0	1,038.0	0.0	0.0	0.0	0.0	0	0	0

**Change Record Detail With Description**  
**Department of Transportation/Public Facilities**

**Scenario:** FY2010 Supplemental (7955)  
**Component:** Northern Region Highways and Aviation (2068)  
**RDU:** Highways and Aviation (408)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		
										PFT	PPT	NP
Legal Costs for Material Site Lawsuits												
1004 Gen Fund	Suppl	150.0	0.0	0.0	150.0	0.0	0.0	0.0	0.0	0	0	0
Due to on-going lawsuits filed by one of the regional native corporations for alleged infringement on their land and rights-of-way, the department as incurred excessive costs for Department of Law attorneys. None of the three lawsuits filed have yet gone to court so the total cost is unknown. Additional funding for \$150.0 is based on the amount expended to date for attorneys and expert witnesses.												
Component Totals		150.0	0.0	0.0	150.0	0.0	0.0	0.0	0.0	0	0	0



**Change Record Detail With Description**  
**Department of Transportation/Public Facilities**

**Scenario:** FY2010 Supplemental (7955)  
**Component:** Southeast Region Highways and Aviation (603)  
**RDU:** Highways and Aviation (408)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		
										PFT	PPT	NP
Transportation Security Agency Requirements - Door Lock System and Fingerprint Machine												
1004 Gen Fund	Suppl	44.9	0.0	0.0	30.0	14.9	0.0	0.0	0.0	0	0	0
To continue to meet Transportation Security Agency requirements a new security access door lock system needs to be installed for the Sitka Airport Terminal. The control system for these doors is outdated and has become unreliable. A replacement system is estimated to cost \$30.0.												
Upon obtaining funding to replace the door controls, the department intends to enter negotiations with the City and Borough of Sitka to amend the airport lease and transfer to them the responsibility for security of the terminal.												
Transportation Security Administration regulations require the department to fingerprint all badge holders at our certificated airports. The existing fingerprint machine is out of date and has become unreliable. A new machine is estimated to cost \$14.9.												
Component Totals		44.9	0.0	0.0	30.0	14.9	0.0	0.0	0.0	0	0	0

**Change Record Detail With Description**  
**Department of Transportation/Public Facilities**

**Scenario:** FY2010 Supplemental (7955)  
**Component:** Whittier Access and Tunnel (2510)  
**RDU:** Highways and Aviation (408)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		NP
										PFT	PPT	
Bid Protest Costs for Whittier Tunnel Operations Contract												
	Suppl	50.0	0.0	0.0	50.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		50.0										
A bidder protested the award of a contract for operation of the Whittier Tunnel Toll Facility. This resulted in unplanned attorney and hearing officer costs which will continue until a settlement is reached. The Department of Law has billed \$12.0 for attorney services through November 2009, and we estimate \$8.0 of additional legal fees for the remainder of FY10. The Department of Administration has billed \$11.7 for a hearing officer; we anticipate needing approximately \$18.3 (\$3.0 on average) for additional mediation services through June. It is unknown whether there will be additional expenses associated with this litigation such as potential settlement costs.												
Increased Operating Costs and Reduced Toll Revenue at the Whittier Tunnel												
	Suppl	385.0	0.0	0.0	385.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		385.0										
Additional funding is necessary to fund the operation of the Whittier Tunnel Toll Facility for the remainder of FY10. Additional costs were incurred for cable repair, railroad crossing fees, increased State Equipment Fleet equipment replacement fees, CPI adjustments for the current contract, and additional roadway maintenance work leading up to the tunnel. In addition to increased costs, toll revenues have declined due to economic conditions, reduced cruise ship dockings, and gasoline prices. Cruise ship companies have reduced the number of dockings in Whittier from 56 in FY07 to 34 in FY10.												
To allow the safe and efficient transportation of passengers and freight between Anchorage and Whittier, \$385.0 of additional funding is needed.												
Component Totals		435.0	0.0	0.0	435.0	0.0	0.0	0.0	0.0	0	0	0